

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DR. B. DAVID RIDPATH,

Plaintiff,

vs. CASE NO. 3:03-02037

BOARD OF GOVERNORS
MARSHALL UNIVERSITY and
DAN ANGEL and BOB PRUETT and
F. LAYTON COTTRILL, ESQ. and
K. EDWARD GROSE and
RICHARD HILLIARD,

Defendants.

VOLUME II

The video deposition of BRADLEY DAVID RIDPATH,
taken upon oral examination, pursuant to notice and
pursuant to the Federal Rules of Civil Procedure,
before Johnny J. Jackson, Registered Diplomat
Reporter and Notary Public in and for the State of
West Virginia, Friday, March 28, 2008, at the
offices of Forman & Huber, Suite 400, 100 Capitol
Street, Charleston, West Virginia.

JOHNNY JACKSON & ASSOCIATES, INC.
606 Virginia Street, East
Charleston, WV 25301
(304) 346-8340

BRADLEY DAVID RIDPATH
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BY MR. KOWAL 335

APPEARANCES

On behalf of the Plaintiff:

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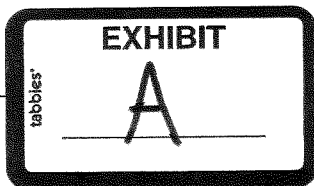
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On behalf of Bob Pruett:

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VIDEOGRAPHER: We are on the record in the
matter of Doctor B. David Ridpath versus Board of
Governors, Marshall University, Dan Angel, Bob
Pruett, F. Layton Cottrill, Esquire; K. Edward
Grose and Richard Hilliard.

My name is Zane Garrett. I am a video
specialist for Johnny Jackson & Associates,
Charleston, West Virginia.

I am not related to any of the parties to
this action or to counsel of record, nor do I have
a financial interest in this action.

Today's date is March 28, 2008.

The time is 9:35 a.m.

This deposition is taking place at Forman
& Huber, Charleston, West Virginia.

The witness today is Doctor B. David
Ridpath.

Would counsel please identify themselves
for the record.

MR. SIZEMORE: Vaughn Sizemore
representing Doctor Angel, Layton Cottrill,
Doctor Ed Grose and Marshall University.

MR. MATTHEWS: John Matthews representing
plaintiff Doctor Ridpath.

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1 take place? What occurred during that meeting?
 2 A. Long story short, Beatrice Crane and Coach
 3 Pruett claimed they knew what the other issue was
 4 that the NCAA was looking at, and they mentioned
 5 prop employment as a possibility.
 6 Q. When you heard that, what was your first
 7 concern?
 8 A. My first concern is that I didn't know
 9 about it if it was happening. That was the first
 10 time I heard about kids working at Chapman
 11 Printing.
 12 Q. Were you not also concerned that Coach
 13 Pruett went to Beatrice about a compliance issue?
 14 A. Yes, I was concerned about that.
 15 Q. How did you express that?
 16 A. That it was a violation of University
 17 policy and that I talked about this before with
 18 Beatrice, and if they had any issues they needed to
 19 bring it to the table with me first so we can
 20 discuss it and find out the facts.
 21 Q. Did you get angry during that meeting?
 22 A. I was pretty upset.
 23 Q. Did you use any profanity during that
 24 meeting?

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1 A. I don't recall.
 2 Q. Do you recall calling anyone names during
 3 that meeting?
 4 A. It's possible.
 5 Q. Do you recall being threatening during
 6 that meeting?
 7 A. I don't believe I was threatening during
 8 the meeting.
 9 Q. Other than the people named in this
 10 lawsuit, are there any employees or former
 11 employees of Marshall University that you have
 12 threatened to sue?
 13 A. I have threatened to sue?
 14 Q. Yes.
 15 A. No.
 16 Q. I do not have a hard copy of this, but it
 17 is in your discovery responses. It is the book
 18 that you have written about this situation.
 19 A. Uh-huh.
 20 Q. The pages aren't numbered, but I have it
 21 listed as page 34 of 36. Your pagination may be
 22 different than mine.
 23 I will just read to you your account in
 24 the book, and you can tell me if this is similar to

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1 your memory of the situation.
 2 You talked to Beatrice, "I told her that
 3 this was complete bullshit that she went behind my
 4 back to get information that may be flawed and then
 5 present it to me in a way, something she would have
 6 my ass for had the situations been reversed.
 7 "Crane continued to adamantly refuse to
 8 reveal her source. 'Give me the fucking name,' I
 9 screamed.
 10 "Pruett tried to put his hand on my
 11 shoulder to calm me down, to which I said, 'Don't
 12 ever fucking touch me, Coach.' I pushed his hand
 13 away.
 14 "Linda was horrified, of course, at the
 15 meeting and was shocked into silence.
 16 "I then looked at Lance, who, as usual,
 17 was not taking charge, on the possibility that he
 18 may order Beatrice to reveal her secret source.
 19 "I said, 'Goddamn it, Lance, she is
 20 violating policy. Tell her to give me all the
 21 information and the name of the source.'
 22 "Lance just barked, 'Watch your language,
 23 Dave.'
 24 "The meeting was going nowhere, and it was

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1 clear that Pruett and Crane wanted to lock up
 2 blame.
 3 "I looked at Beatrice with a very
 4 unsympathetic look and said, 'You god awful bitch.
 5 What Rick Thompson said about you was true.'
 6 "I knew that would get her goat, and I
 7 meant to say it and said it with conviction. She
 8 stormed out in tears, 'I'm going to quit,' to which
 9 I responded, 'Don't let the door hit you in the
 10 ass.'
 11 "I continued to berate Lance for his
 12 handling of the situation. Although he was my
 13 boss, I felt he needed a dressing down for his
 14 pathetic handling of the situation."
 15 Does that sound like an accurate
 16 description of the meeting?
 17 A. Very close.
 18 Q. So going back, I mean, do you think it is
 19 appropriate to berate your boss?
 20 A. In that situation, it was a tough
 21 situation, an emotional situation, but it is not
 22 appropriate.
 23 Q. When Coach Pruett put his hand on your
 24 shoulder, was he acting in a threatening way?

1 A. I felt so.
 2 Q. How so?
 3 A. I just don't like people touching me.
 4 Q. So you felt that it was appropriate to
 5 push his hand away and say, "Don't ever fucking
 6 touch me, Coach"?
 7 A. Absolutely. You don't touch somebody
 8 without their permission.
 9 Q. What's the whole situation with the name?
 10 A. What name?
 11 Q. You were berating Beatrice to give you the
 12 name of her secret source?
 13 A. I think it is highly critical when you are
 14 talking about NCAA violations and somebody is
 15 making an allegation, especially when my role is to
 16 test the credibility of that information.
 17 Q. The name of the person that Beatrice was
 18 withholding, it was who Beatrice had contacted to
 19 get an interpretation, an opinion on an
 20 interpretation of the rule, wasn't it?
 21 A. No, that's not it.
 22 Q. What was it?
 23 A. She actually talked to two people.
 24 Q. And what was the, I mean, what was it that

1 she relayed that the secret source told her?
 2 A. She said the secret source called out of
 3 the blue, miraculously, during the same time her
 4 and Coach Pruett were talking about this, and said
 5 the NCAA is not concerned about the academic issue,
 6 they are coming only to look at this prop-work
 7 issue.
 8 Q. Do you consider your behavior in this
 9 meeting to be professional?
 10 A. No. I do not.
 11 Q. Do you recall any other times that you
 12 called Beatrice names or used this type of
 13 profanity in a meeting?
 14 A. I don't recall, but it could have
 15 happened.
 16 Q. Was there ever a situation where you
 17 called Beatrice Crane a [REDACTED]?
 18 A. I called her that to her face one time in
 19 a conversation between she and I.
 20 Q. How did that take place?
 21 A. It was just a conversation after this she
 22 and I had.
 23 Q. What was the conversation about?
 24 A. About this situation that we just

1 recapped.
 2 Q. Do you think it is appropriate to call a
 3 senior athletic director a [REDACTED]?
 4 A. No.
 5 Q. Was there any other unprofessional
 6 situation relating to this where you had
 7 conversations with anybody in the athletic
 8 department?
 9 A. It was an emotional time. There might
 10 have been.
 11 Q. When you first found out about this, were
 12 you more concerned about finding out about
 13 Beatrice's secret source or getting to the bottom
 14 of the employment problem?
 15 A. I would have to say the secret source,
 16 because I couldn't get to the bottom of it without
 17 finding out who the secret source was.
 18 Q. Could you get to the bottom of whether
 19 props were working at Chapman Printing without
 20 knowing who the secret source was?
 21 A. It's possible.
 22 Q. Could you ask Coach Pruett, Are props
 23 working at Chapman Printing?
 24 A. I asked him in that meeting.

1 Q. And what did he say?
 2 A. He said, "I think they are. I will check
 3 into it, and I think we are tracking them through
 4 Dave Reed."
 5 Q. Did you ask Dave Reed, "Are we tracking
 6 these props?"
 7 A. Later I did, yes.
 8 Q. But at that time you were more concerned
 9 about who the secret source was than getting to
 10 Dave Reed and saying what is going on with this?
 11 A. Well, the combination of a lot of things.
 12 I certainly want to know if a secret source is
 13 talking with the NCAA, which is a violation of
 14 their own rules.
 15 MR. KOWAL: Whose rules?
 16 THE WITNESS: NCAA rules. You cannot have
 17 *ex parte* discussions about an investigation.
 18 BY MR. SIZEMORE:
 19 Q. So, well, talk about that.
 20 Did the committee have a problem with the
 21 way you handled the total situation with Beatrice?
 22 MR. HARTUNG: What committee?
 23 MR. SIZEMORE: The committee on
 24 infractions.

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1 A. You know, it was scattered. It was three
2 or four times over the course of four years.

3 Q. Was it a semester-to-semester basis?

4 A. If you were an adjunct at Marshall, to the
5 best of my knowledge, you were contracted for just
6 a semester.

7 Q. Did you teach the semester immediately
8 preceding the one that you taught?

9 A. I would have to go back and look.

10 Q. When you taught as an adjunct professor,
11 was it always the same class or did it vary?

12 A. It varied.

13 Q. How would you go about getting that
14 position?

15 A. I was normally asked by Bob Barnette or
16 Jeff Chandler. We had several people in the
17 athletic department that serve as adjuncts.

18 Q. Would they come to you and say, we need
19 somebody for this class, or would you recommend a
20 class that was going to be taught?

21 A. I think more the former than the later,
22 they would come to me and ask.

23 Q. So it was pretty much based on what they
24 needed?

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1 A. That's fair.

2 Q. The transfer from Compliance to Judicial
3 Affairs, who first expressed the interest in the
4 transfer? Was it somebody from Marshall asking you
5 to transfer, or did you express interest in the
6 Judicial Affairs position?

7 A. I had heard the position was opened, and
8 Linda recommended that I look like into it. And so
9 I had asked some questions of Steve Hensley about
10 the job prior to the transfer.

11 MR. KOWAL: Who recommended? I just
12 didn't --

13 THE WITNESS: Linda Wilkinson.

14 MR. KOWAL: Just getting a little hard of
15 hearing.

16 BY MR. SIZEMORE:

17 Q. Did you read a job description before when
18 you were looking into it?

19 A. I am almost certain I didn't.

20 Q. Did you ask questions about what the job
21 entailed?

22 A. No.

23 Q. Did you note anything about the job?

24 A. A little bit. Only because I had to deal

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1 with so many athlete disciplinary issues with that
2 office. So I had a vague, I mean, a vague overview
3 of it.

4 Q. When you were in Judicial Affairs, did you
5 come across situations that you weren't able to
6 handle?

7 A. I had to ask a lot of questions. I would
8 say I wasn't able to handle it myself is probably
9 fair in some situations just because I wasn't sure
10 how to deal with local and state laws with regard
11 to what we could do on campus.

12 Q. I mean, did you ever have a situation that
13 you had to pass off to somebody else to take care
14 of because you just couldn't do it?

15 A. I guess I would have to look again at the
16 situation. But there was a lot of times I asked
17 for assistance. But as far as passing it
18 completely off, I can't think of one right now.

19 Q. In your complaint you allege a breach of
20 contract. And I think we have gone over this a
21 bit. What contract was breached with you?

22 A. It was how the corrective action was going
23 to be communicated to the public and that my
24 transfer had nothing to do with the NCAA

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1 infractions.

2 Q. Who made this contract with you?

3 A. Ed Grose at first.

4 Q. And who breached this contract?

5 Who represented to the NCAA however they
6 represented the corrective action?

7 A. I would have to say President Angel.

8 Q. So, to your knowledge, Ed Grose had
9 nothing to do with that?

10 A. Well, I can't say he had nothing to do
11 with it, because he was involved in all the
12 meetings.

13 Q. He didn't submit anything to the NCAA?

14 A. Not himself directly, but he was part of a
15 committee.

16 Q. You allege fraud in your complaint, the
17 statements made by Ed Grose are false.

18 Do you have anything to show that Ed Grose
19 knew that the statements were false at the time he
20 made them?

21 A. Not at this time.

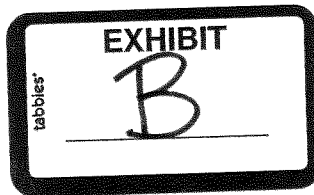
22 Q. You also allege that Layton Cottrill made
23 certain statements to you. You had already
24 accepted the position when Layton made the

IN THE UNITED STATES DISTRICT COURT OF WEST VIRGINIA
SOUTHERN DISTRICT AT HUNTINGTON

DR. B. DAVID RIDPATH,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 3:03-02037
)	
BOARD OF GOVERNORS MARSHALL)	
UNIVERSITY and DAN ANGEL, and)	
BOB PRUETT and F. LAYTON)	
COTTRILL, ESQ., and K. EDWARD)	
GROSE,)	
)	
Defendants.)	
)	

DEPOSITION OF DAN ANGEL, Ph.D.
San Francisco, California
Friday, June 6, 2008

Reported by:
RACHEL FERRIER
CSR No. 6948
JOB No. 80418



CERTIFIED
COPY

1 hearing when Ms. Humphrey came to representatives of
2 Marshall University and made a comment to any of them
3 regarding Mr. Ridpath's performance up until that
4 point of the hearing?

5 A I do. It was --

6 Q Do you remember what Ms. Humphrey said?

7 A Yeah. It was Leanne Humphrey (sic), I
8 think. And this came at the end of the second
9 recess. Earlier, I talked about a chain of events
10 with Beatrice Crane that ended with me feeling I had
11 to add a comment because it had gone so far, and we
12 took a recess at that point, and that's when we were
13 told by her, Leanne, that, quote, Mr. Ridpath was
14 burying us.

15 Q Did you discuss that comment with
16 Dr. Ridpath?

17 A I made one comment to David, Mr. Ridpath,
18 during that time path. I walked over to him and I
19 told him, "You need to cool it. You need to get this
20 in terms of a reasonable way of conduct. You need to
21 think about what your answers are, and if I were you,
22 I wouldn't speak a lot. You are talking a great deal
23 in there," and that was it. I didn't -- he didn't
24 make any comment to me. I didn't get the feeling
25 that my comment to him was well received.

IN THE UNITED STATES DISTRICT COURT OF WEST VIRGINIA
SOUTHERN DISTRICT AT HUNTINGTON

Dr. B. DAVID RIDPATH

Plaintiff,

-vs-

BOARD OF GOVERNORS
MARSHALL UNIVERSITY
and
DAN ANGEL
and
BOB PRUETT
and
F. LAYTON COTTRILL, ESQ.
and
K. EDWARD GROSE
and
RICHARD HILLIARD
Defendants.

)
) CIVIL ACTION NO:
) 3:3:03-2037

)
) JUDGE: Hon. Robert J. Staker

)
) AMENDED
) COMPLAINT

PARTIES

1. Plaintiff Dr. B. David Ridpath, Ed.D, is now, and was at all times pertinent to this litigation, a resident of the State of West Virginia and a public employee of Defendant Marshall University.

2. Defendant Board of Governors - Marshall University (hereafter "MU") is now, and was at all times pertinent to this litigation, a public institution with its principal place of business located at City of Huntington, Cabell County, West Virginia.

3. Defendant Dan Angel (hereafter "Angel") is now, and was at all times pertinent to this litigation, the President at MU.

4. Defendant Bob Pruett ("Pruett"), is now, and was at all times pertinent to

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35. As additional inducement to persuade Ridpath to accept the transfer outside of the Department of Athletics (his chosen profession), MU, through its agents - Defendants Grose and Cottrill, agreed that it would make it clear to the NCAA (and the public) that his reassignment was NOT for any wrongdoing as MU Compliance Director.

36. Contrary to their agreement with Ridpath, Defendants MU and Angel (through Defendant Hilliard as their agent) informed the NCAA that Ridpath's reassignment was a "corrective action" taken by MU as the result of NCAA rule violations at the University.

37. The major NCAA rule violations which occurred at MU resulted from the University providing fraudulent academic credit and/or impermissible employment opportunities to student-athletes at McCorkle Machine Shop.

38. Although Ridpath was not directly involved in either violation, he became a convenient scapegoat for MU when his vigorous defense of the University (previously advocated by Angel, Cottrill, Pruett and Hilliard) was not well-received by the NCAA Committee on Infractions.

39. Representations made to the NCAA by Defendants MU and Angel imply that Ridpath was incompetent as MU's Compliance Director and no effort has been made by MU to adequately clarify the following points:

- a) That Hilliard, and not Ridpath, was in charge of the "investigative response" that was sharply criticized in the NCAA Committee on Infractions – Public Infractions Report;
- b) That Ridpath was not directly involved in either of the underlying NCAA Infractions at MU; and

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1 Q. I want to know what evidence you have that
2 he ever spoke to the media and gave them false
3 information about you, other than what you surmise?

4 A. No. That's the one.

5 Q. That's Landon?

6 A. Uh-huh

7 Q. Did Landon tell you that?

8 A. No.

9 Q. So you are just surmising that? You don't
10 know that Pruett spoke to Landon in any light about
11 you, isn't that correct?

12 A. Only based upon what Bob told me.

13 Q. I think Pruett said he just tried to
14 defend you.

15 A. I think he was trying to sugarcoat it. He
16 knew what was coming.

17 Q. So you are guessing that when he told you
18 he was trying to defend you he really meant that he
19 wasn't trying to defend you?

20 A. I didn't see a lot of defending in the
21 article.

22 Q. You don't have any knowledge whatsoever
23 that Pruett spoke to any media member about you in
24 a false manner, do you?

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1 A. It's based on belief.

2 Q. You don't have any evidence to support
3 that contention, do you?

4 A. No.

5 Q. You're agreeing with the statement?

6 A. I think I answered it.

7 Q. Well, I am going to make you answer it
8 again. You are agreeing with the statement?

9 A. The question is?

10 Q. The statement is you have no evidence to
11 support the contention that Pruett spoke about you
12 in a negative fashion to the media?

13 A. No direct evidence, no.

14 Q. Nor do you have any indirect evidence, do
15 you?

16 A. Indirect evidence from the articles that
17 came out, yes, and the access that Pruett has to
18 reporters.

19 Q. And that's just your guess, is it not?

20 A. At this point in time, yeah.

21 Q. You also said, He induced athletes to sign
22 false statements under the guise that they would be
23 able to play. What statements are those?

24 A. There were materially false statements

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1 that the athletes signed as we were trying to
2 preserve their eligibility as much as possible.

3 Once we found out -- I shouldn't say once
4 we found out, I mean, we got trickles of
5 information. But once it was determined, falsely,
6 that the kids made \$100 a day, 12.50 per hour, and
7 we were assured by Marshall Reynolds that there
8 were others that made that amount, we had to get
9 these kids on a repayment plan, so they could get
10 their eligibility reinstated. Those statements
11 were false. The players knew they were false.

12 Q. The amount of money that they received,
13 that's what you are talking about; right?

14 A. The hourly rate and the fact they worked
15 Saturday and Sunday. There was an attempt to try
16 to minimize the damage, whether by Marshall
17 Reynolds or Coach Pruett or in concert I'm not
18 sure. But there was an attempt, obviously, to
19 reduce the \$25 an hour wage to 12.50.

20 Q. You don't know what role Coach Pruett
21 played in those statements at all, do you?

22 A. I do know what the players have told me,
23 and there's signed affidavits saying --

24 Q. From Sam Goines; right?

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1 A. And Charlie Tynes.

2 Q. And Charlie Tynes.

3 Let me make sure I understand the
4 scenario. You drafted the statements, isn't that
5 correct?

6 A. Yes.

7 Q. You're the one who wrote the statements,
8 not Coach Pruett, isn't that right?

9 A. I was told to write the statements by Rich
10 Hilliard.

11 Q. Coach Pruett didn't tell you to write the
12 statements. Marshall Reynolds didn't tell you to
13 write the statements. Rich Hilliard told you to
14 write the documents.

15 A. But they told me the information was
16 correct.

17 Q. Just answer my question. Rich Hilliard,
18 not Pruett or Reynolds, told you to write the
19 statements; isn't that correct?

20 A. Yeah. I was directed by Rich Hilliard,
21 yes.

22 Q. Did Rich Hilliard tell you what to put in
23 them?

24 A. Did Rich tell me what to put in them? It

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1 was either that or in concert with everybody who
2 was working on the investigation.

3 Q. So you don't recall who told you what to
4 put in them; right?

5 A. It probably was Rich.

6 Q. Do you recall whether the players signed
7 these statement?

8 A. Where they signed them?

9 Q. Where and when.

10 A. Right. Well, I will just tell where. It
11 was in what was called the facilities building at
12 one time. There is room, kind of big classroom
13 area.

14 Q. Now called the Shewey Building?

15 A. I believe so.

16 Q. Do you know if Coach Pruett was in the
17 room when they signed them?

18 A. I do know that he was there before I got
19 there, and I instructed him not to be there.

20 Q. So you know Coach -- let me make sure I
21 understand this. Coach Pruett was in the building
22 because that's where his office is, is it not
23 correct?

24 A. He was in the room with the players, and I

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1 told him not to be there.

2 Q. And then he left?

3 A. Once I got there and told him to leave,
4 yes.

5 Q. Then the players exited one at a time to
6 sign these statements, did they not?

7 A. No. No. They were there as a group.

8 Q. You don't recall whether they had an
9 attorney there, do you?

10 A. That specific time signing the statements
11 I don't recall.

12 Q. Do you know who Marc Williams is?

13 A. I do.

14 Q. Did not Marc Williams represent these
15 football players in conjunction with signing those
16 statements?

17 A. Yes.

18 Q. So Marc Williams, the attorneys, the
19 attorney for the players, directed them to review
20 the statement and sign it.

21 Did they sign it in your presence?

22 A. I don't believe Marc William was there
23 when we did sign. But they did sign them in my
24 presence, yes.

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1 Q. So Pruett wasn't there when they signed
2 them, you were there; right?

3 A. He was there -- when they signed them he
4 was not there.

5 Q. You told them to tell the truth, didn't
6 you?

7 A. I told them if everything on those
8 statements is true, I said, Please sign.

9 Q. To the best of your knowledge, Pruett
10 didn't say, except for the one or two instances you
11 generally described before, Pruett didn't say
12 anything different than you told them?

13 A. Again, I'm going back to what those two
14 players told me.

15 Q. Other than the two instances, you don't
16 have any knowledge or information that Pruett told
17 them anything but what you just said, anything but
18 what you just said?

19 A. I don't know what he told them.

20 Q. That's fair enough.

21 But you were the one who told them to sign
22 them, not Pruett?

23 A. I didn't tell them to sign them. I told
24 them to sign it if it was true. I didn't walk in

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1 there and say sign it and walk out, no.

2 Q. But you got bad information from some
3 place. You wrote it up. You prepared the
4 statements. You gathered them together. You say
5 their attorney wasn't present. He might have been,
6 isn't that correct, you just don't remember?

7 A. Marc was present quite a bit. I just
8 don't remember if he was at that point in time.

9 Q. Let me just make sure. You wrote the
10 statements up, put the bad information in it,
11 perhaps with their attorney's knowledge that they
12 were going to sign those statements, at least he
13 had the knowledge of what the statements contained?

14 A. I think Marc believed the information,
15 yes.

16 Q. So did you, isn't that correct?

17 A. At that point in time I had no reason to
18 not believe it.

19 Q. So if you hadn't written the statement up
20 nobody would have got in trouble, if you had got
21 the right information? Isn't that correct?

22 A. I guess I'm not following you, Ed.

23 Q. That was a bad question. Strike it from
24 the record if you can.